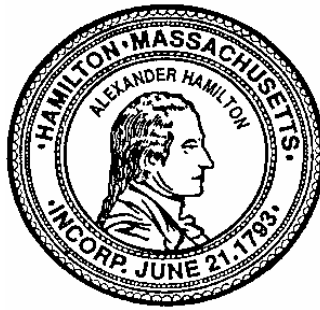


HAMILTON PLANNING BOARD

RULES AND REGULATIONS GOVERNING

SPECIAL PERMITS



Adopted September 25, 2001

AMENDED September 27, 2005

Adopted pursuant to M.G.L. Ch. 40A, The Zoning Act

**HAMILTON PLANNING BOARD
APPLICATION FOR SPECIAL PERMIT**

SPECIAL PERMIT APPLIED FOR:

- ☐ Cell Tower and Tower Antenna Facility Special Permit (Section VI.20.)
☐ Open Space and Farmland Preservation Development (Section V.A.12.)
☐ Elder Housing Special District (Section V.E.)
☐ Common Driveway Special Permit (Section VI.12.c.)
☐ Other (explain)_____

Check the appropriate category above, and outline basis for request for Special Permit:-

Name of Applicant (if acting as Agent, attach authorization signed by Owner)	Telephone Number
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Address	City	State	Zip Code
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Name of Owner	Telephone Number
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Address	City	State	Zip Code
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Name of Engineer/Representative	Telephone Number
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Address	City	State	Zip Code
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Location of Proposed Project

Street Address	Assessors Map & Lot #
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Zoning District	Registry of Deeds Book	Page	Plan Book & Page
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Title of Plan/Submittal_____

Date of Plan _____ Number of Plan Sheets _____

If location is Route 1A, have you obtained approval for curbcut(s) from the State Department of Public Works? _____. If so, please attach copy of approval.

HAMILTON PLANNING BOARD
APPLICATION FOR SPECIAL PERMIT
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List any other approvals or variances received, applied for, or required from other Town or State departments, boards, or agencies:

DEPARTMENT/AGENCY	APPROVAL REQUIRED	DATE RECEIVED

I have read the Town of Hamilton Rules and Regulations Governing Special Permits, and agree to the terms and conditions specified. I am herewith applying for a Special Permit.

Signature of Owner _____ Date _____

Signature of Applicant _____ Date _____

For Planning Board Use:

Date Application Filed _____
Date of Public Hearing _____
Date Hearing Closed _____
Date Decision Due _____
Date of Extension(s) _____
(Must be filed with Town Clerk and copy furnished to Applicant)
Date Decision Filed
with Town Clerk _____
Date Decision Mailed
to Applicant _____

Date Adopted: September 25, 2001
Amended: September 27, 2005

INFORMATION AND PROCEDURES

Massachusetts General Laws Ch. 40A Section 9, *Special Permits*, provides for a Special Permit Granting Authority (SPGA) to adopt and amend rules relative to the issuance of such permits. At a Public Hearing held on September 25, 2001, the Hamilton Planning Board voted to adopt Rules and Regulations Governing Special Permits. These regulations and associated fees may be amended by the Planning Board subject to proper notification and public hearing as specified in M.G.L. 40A, Section 9.

M.G.L. 40A, Section 9, also requires the following timelines:

..Public Hearing must be held within sixty-five days after filing of an application with the SPGA and Town Clerk

..The SPGA shall act within ninety days after the close of the Public Hearing. (The date may be extended by mutual agreement, at the request of the Applicant. See *Request by Applicant for Extension of Time* form included in this package.)

APPLICATION SUBMITTAL

1. Submit 16 copies of application and corresponding plan/data to Hamilton Planning Board. The Planning Board will distribute plans and application to departments for comment. (If drainage calculations are required, only 2 sets need to be submitted to the Planning Board.) (Note: M.G.L. Ch. 40A Sec. 9 requires that petition shall be filed with the Town Clerk **by the Applicant.**)

Distribution of Plans:

Board of Health
Building Inspector
Fire Department
Planning Board (9)

Police Department
Department of Public Works
Conservation Commission
Technical Review Agent

2. An Application submittal must include the following:

- a. Completed Application. (If the Applicant is not the Owner, a letter authorizing the Applicant or his Agent to act on his behalf must be submitted with the Application.)
- b. Filing Fee as per current *Fee Schedule for Special Permits* shall be submitted with the application to the Planning Board, payable to "Town of Hamilton".
- c. Copy of deed of current owner.
- d. A Certified List of Abutters as required by M.G.L. Ch.40A Sec. 11. In addition, the Applicant shall provide the Planning Board with 4 sets of mailing labels with Abutters names and addresses. The Planning Board shall mail notice to Abutters via Certified Mail, and shall advertise the Public Hearing, at the Owner/Applicant's expense, following these procedures:
 1. The Planning Board will calculate the Certified Mail fee, and notify the Applicant, who will submit a check payable to "Postmaster" to cover the mailing cost, and
 2. The Applicant will receive a copy of the invoice for the legal notices from the Planning Board, and must submit a check to the Planning Board, payable to the newspaper, which the Planning Board will then forward as payment for the legal ad.

- e. Calculations and/or documents (i.e. plans, visibility map, site plans, narrative descriptions, etc., required by the pertinent section of the Zoning Bylaw.)
- f. At the time of submittal, an electronic copy of the filing shall be submitted to the Planning Board either by e-mail or other arrangement.

3. General Notes

- a. The Applicant is urged to meet with the Planning Board for a pre-application conference prior to submitting an application.
- b. Plan is to be stamped and signed by a Registered Professional Civil Engineer, or Registered Land Surveyor, or other qualified professional as required.
- c. Applicant is responsible for recording the Planning Board's Approval and Conditions of Approval, and any other documents which must be recorded, after the Appeal Period has expired. Proof of recording shall be submitted to the Planning Board prior to beginning of construction.
- d. The Planning Board reserves the right to hire a consultant, at the Applicant's expense, if deemed necessary, to review plans, supporting data, calculations, etc., as per M.G.L. Ch. 44, Sec. 53G, and Section 4 below.
- e. The Applicant agrees to permit inspection by the Planning Board or its agent to confirm construction as per plan during ordinary business hours. The Applicant shall be responsible for fees associated with inspection as per M.G.L. Ch. 44, Sec. 53G, and Section 4 below.

4. Employment of Outside Consultants for Technical Review (as authorized in M.G.L. Chapter 44, Section 53G)

- a. When reviewing an application for (permit/approval), the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that Applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.
- b. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.
- c. The Board and/or the consultant will estimate the review fee, and the funds shall be deposited prior to commencement of review or services. These fees are good faith estimates of cost of review/inspection and may be modified at the discretion of the Planning Board as warranted by a particular project. Funds received by the Board pursuant to this section shall be deposited with the municipal Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the Applicant. Failure of an Applicant to pay a review fee shall be grounds for denial of the (application/permit). Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
- d. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specified project, shall be repaid to the Applicant or the Applicant's

successor in interest. A final report of said account shall be made available to the Applicant or the Applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

- e. Any Applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or related field. The required time limit for action upon an application by the board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

5. FEE SCHEDULE for SPECIAL PERMITS

Cell Tower and Tower Antenna Facility Special Permit (Section VI.20)	\$750.00
Common Driveway Special Permit (Section VI.12.c.)	\$200.00
Open Space and Farmland Preservation Development Bylaw (Section V.2)	\$200.00
Elder Housing Special District ((Section V.E.)	\$200.00

CONCESSIONARY FEE STRUCTURE

For lots to be dedicated to Affordable Housing, the per lot fee for those lots shall be waived by the Planning Board. ("Affordable" housing shall comply with specific price limits, in accordance with the provision set forth in any State or Federal rental assistance programs, or other programs that provide for affordable housing for low and moderate income persons, and that are in effect at the time that the project application is made to the Planning Board.)

FORM J
HAMILTON PLANNING BOARD
REQUEST BY APPLICANT FOR EXTENSION OF TIME
Adopted September 25, 2001

The undersigned Applicant hereby requests that the date for final action by the Hamilton

Planning Board on a

_____ **Definitive Subdivision Plan** entitled

_____ or an

_____ **ANR Plan for land located at** _____ or a

_____ **Special Permit**

for _____ or a

_____ **Cluster Design Plan Approval**

for _____

be extended until _____
Date

Signed: _____ Date _____
Owner or Authorized Agent

.....
NOTICE OF EXTENSION

At a meeting held on _____, the Hamilton Planning Board voted to agree to the above Request for Extension of Time.

ATTEST: _____
Planning Board Member

TOWN CLERK'S RECEIPT

Received Notice of Extension on _____
Date

Town Clerk